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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,783	06/29/2001	Clyde George Bethea	25-66-105-20-29-1-3-35-14	8896

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Lucent Technologies Inc.
Docket Administrator (Room 3J-219)
101 Crawfords Corner Road
Holmdel, NJ 07733

EXAMINER

LI, SHI K

ART UNIT PAPER NUMBER

2633

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/896,783	Applicant(s) BETHEA ET AL.	
	Examiner Shi K. Li	Art Unit 2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-2 and 4-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paiella et al. (R. Paiella et al., "Generation and Detection of High-Speed Pulses of Mid-Infrared Radiation with Intersubband Semiconductor Lasers and Detectors", IEEE Transactions on Photonics Technology Letters, Vol. 12, No. 7, July 2000) in view of Christopher (U.S. Patent Application Pub. 2002/0181059 A1) and Ionov et al. (U.S. Patent 6,816,682 B1).

Regarding claims 1 and 13, Paiella et al. discloses in FIG. 2 a transmitter comprising a mid-infrared laser (QC laser) for generating a stream of optical pulses according to a stream of input signal. As illustrated in FIG. 2, the QC laser is directly modulated to generate high and low optical power levels as illustrated in FIG. 3. The difference between Paiella et al. and the claimed invention is that Paiella et al. does not teach to use the transmitter to transmit pulses to a remote receiver for free space communication. Christopher teaches in FIG. 23 a free space communication system using 10-micro optical link. Christopher teaches in paragraph [0058] that mid-infrared wavelength is preferable over near-infrared for free-space communication because it has less attenuation over fog conditions. One of ordinary skill in the art would have been motivated to combine the teaching of Christopher with the mid-IR transmitter of Paiella et al. and apply the mid-IR transmitter to transmit optical pulses over free space channel to a remote receiver because mid-IR pulses have less attenuation over fog conditions and the transmitter of Paiella et al. generates short pulses and supports high data-rate communication. Thus it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to use the mid-IR transmitter of Paiella et al. for free space communication, as taught by Christopher, because mid-IR pulses have less attenuation over fog conditions and the transmitter of Paiella et al. generates short pulses and supports high data-rate communication.

The modified free space communication system of Paiella et al. and Christopher still fails to teach receiving a stream of input data signals since Paiella et al. only uses FIG. 2 to demonstrate the operation theory. Ionov et al. discloses in FIG. 2 a real optical transmitter 48 that received input data signals from sorter 42. One of ordinary skill in the art would have been motivated to combine the teaching of Ionov et al. with the modified free space communication system of Paiella et al. and Christopher because a real system transmits data and generates revenue. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit real data signals received by the optical transmitter, as taught by Ionov et al., in the modified free space communication system of Paiella et al. and Christopher because a real system transmits data and generates revenue.

Regarding claims 2, 4-6 and 14-15, Paiella et al. teaches in FIG. 2 and FIG. 3 that the laser output is at a high optical power level when the laser is driven above a lasing threshold, and the laser output is at a low optical power level when the laser is below the lasing threshold. FIG. 3(b) of Paiella et al. shows that the lasing intervals are shorter than the non-lasing intervals.

Regarding claims 7-9 and 17-18, Christopher suggests a wavelength of 10 microns.

Regarding claims 10 and 19, both Christopher and Paiella et al. teach that mid-infrared light has low atmospheric losses (see p. 781, second paragraph of Paiella et al.).

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Regarding claim 11-12, Paiella et al. teaches a QC laser which operates at around 3 GHz (see p. 781, right col., first paragraph).

Regarding claim 16, Paiella et al. teaches a quantum cascade laser.

3. Claims 3 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paiella et al., Christopher and Ionov et al. as applied to claims 1-2 and 4-19 above, and further in view of Hwang et al. (U.S. Patent 6,549,556 B1).

Paiella et al., Christopher and Ionov et al. have been discussed above in regard to claims 1-2 and 4-19. The difference between Paiella et al., Christopher and Ionov et al. and the claimed invention is that Paiella et al., Christopher and Ionov et al. do not teach electrical pumping and optical pumping for laser operation. Hwang et al. teaches in col. 1, lines 50-65 operation of semiconductor lasers. A semiconductor laser includes a gain region for building up energy. Various forms of pumping energy may be utilized to cause the active region to emit photons including electrical pumping, optical pumping and electron beam pumping. These are equivalent mechanisms for pumping energy to a semiconductor laser. Where the claimed differences involve the substitution of interchangeable or replaceable equivalents and the reason for the selection of one equivalent for another was not to solve an existent problem, such substitution has been judicially determined to have been obvious. See *In re Ruff*, 118, USPQ 343 (CCPA 1958). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use either electrical pumping or optical pumping to build up energy in the active region of a semiconductor laser in the modified free space communication system of Paiella et al., Christopher and Ionov et al.

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4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paiella et al., Christopher and Ionov et al. as applied to claims 1-2 and 4-19 above, and further in view of Durant et al. (U.S. Patent 6,016,212).

Paiella et al., Christopher and Ionov et al. have been discussed above in regard to claims 1-2 and 4-19. The difference between Paiella et al., Christopher and Ionov et al. and the claimed invention is that the modified free space communication of Paiella et al., Christopher and Ionov et al. does not teach collimating optics. However, it is well known in the art to use optics to change the geometry of light beams. For example, Durant et al. teaches in FIG. 1 and col. 3, lines 5-10 to use collimating optics to form a light beam of a diameter of half an inch (13 mm). One of ordinary skill in the art would have been motivated to combine the teaching of Durant et al. with the modified free space optical communication system of Paiella et al., Christopher and Ionov et al. because an appropriate light beam size makes it easy for alignment while maintains a reasonable size for the optics such as telescope. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use collimating optics to obtain an appropriate geometry for the light beam, as taught by Durant et al., in the modified free space optical communication system of Paiella et al., Christopher and Ionov et al. because an appropriate light beam size makes it easy for alignment while maintains a reasonable size for the optics such as telescope.

Response to Arguments

5. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shi K. Li whose telephone number is 571 272-3031. The examiner can normally be reached on Monday-Friday (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

skl
27 May 2005



Shi K. Li
Patent Examiner